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**FACSIMILE TRANSMISSION  
CONFIDENTIAL**

DATE: September 10, 2003

CLIENT-MATTER No.: 20830-04304

To:

NAME	FAX No.	PHONE No.
Commissioner For Patents USPTO	(703) 872-9318	

FROM: John T. McNelis

PHONE: (650) 335-7133

3 12 18

RE: Resubmission of Office Action Response

NUMBER OF PAGES WITH COVER PAGE: 36	ORIGINAL WILL NOT FOLLOW
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MESSAGE:

U.S. Patent Application Serial No.: 09/347,622
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A1000/00103/DOCS/1326966.1

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SEP 11 2003

OFFICIAL

Date Mailed: Oct. 29, 2002    Atty/Sec: LEC/la    Filing Date: July 2, 1999  
Serial No.: 09/347,622    Docket No.: 20830-04304  
Applicants: Steven W. Meeks & Rusmin Kudinar  
Title: System for Simultaneously Measuring Thin Film Layer Thickness, Reflectivity...

Please imprint Patent Office "date stamp" hereon to indicate receipt and then return card to addressee

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|---|--|
| <input type="checkbox"/> ___ pages of Specification                 | <input type="checkbox"/> PTO/SB/35                                 |
| <input type="checkbox"/> ___ sheets of formal drawings              | <input checked="" type="checkbox"/> Amendment                      |
| <input type="checkbox"/> Provisional Application Cover Sheet        | <input type="checkbox"/> Revocation & Substitute Power of Attorney |
| <input checked="" type="checkbox"/> Pending Application Transmittal | <input type="checkbox"/> Request to Correct Filing Receipt         |
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| <input type="checkbox"/> Response to Missing Parts                  | <input type="checkbox"/> copy of Formalities Letter                |
| <input type="checkbox"/> Express Mail No.                           | <input type="checkbox"/> Check in the amount of \$                 |

PTO/SB/21 (modified)

Approved for use through xx/xx/xx, OMB 0651-0031

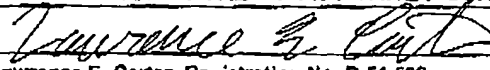
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

0001/PTO Rev. 10/95  <b>TRANSMITTAL FORM</b>  (to be used for all correspondence during pendency of filed application)	U.S. Department of Commerce Patent and Trademark Office		Application Number	09/347,622
			Filing Date	July 2, 1999
			First Named Inventor	Steven W. Meeks
			Group Art Unit Number	2877
			Examiner Name	T. Nguyen
Total Number of Pages in This Submission		32	Attorney Docket Number	20830-04304

**ENCLOSURES (check all that apply)**

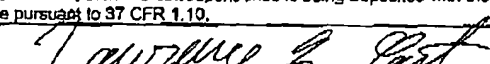
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<input type="checkbox"/> Response to Notice of Missing Parts	<input type="checkbox"/> Formal Drawing(s): [ ] Sheet(s) of Figures [ ]
<input type="checkbox"/> Assignment & Assignment Recordation	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Declaration & Power of Attorney	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Small Entity Statement	<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Information Disclosure Statement & PTO-1449 <input type="checkbox"/> Copies of IDS Cited References	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Request to Withdraw as Attorneys (in triplicate)	<input type="checkbox"/> Copy of Formalities Letter
<input type="checkbox"/> Request for Correction of Recorded Assignment	<input type="checkbox"/> Application Data Sheet
<input checked="" type="checkbox"/> Amendment/Response: [ 29 ] Page(s) <input type="checkbox"/> After Final	<input type="checkbox"/>
<input type="checkbox"/> Status Request	<input type="checkbox"/>
<input type="checkbox"/> Revocation and Power of Attorney	<input type="checkbox"/>
REMARKS: *	

**SIGNATURE OF ATTORNEY OR AGENT**

Signature:		
Attorney/Reg. No.:	Lawrence E. Carter, Registration No. P-51,532	Dated: 10/29/2002

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence, including the enclosures identified above, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the date shown below. If the Express Mail Mailing Number is filled in below, then this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service pursuant to 37 CFR 1.10.

Signature:		
Typed or Printed Name:	Lawrence E. Carter	Dated: 10/29/2002
Express Mail Mailing Number (optional):		

A9000/00000/SF/5016702.1

PTO/SB/17 (10-01)(modified)

OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

0002/PTO(modified) Rev. 10/2001	U.S. Department of Commerce Patent and Trademark Office	<b>Complete if Known</b>	
<b>FEE TRANSMITTAL</b>		Application Number	09/347,622
		Filing Date	July 2, 1999
		First Named Inventor	Steven W. Meeks
		Group Art Unit	2877
		Examiner Name	T. Nguyen
<b>TOTAL AMOUNT OF PAYMENT</b>		Attorney Docket Number	20830-04304
Subtotal (1) + Subtotal (2) + Subtotal (3) =		(\$ 72)	

METHOD OF PAYMENT				FEE CALCULATION (continued)																																																																																											
<b>1. The Commissioner is hereby authorized to:</b> <input checked="" type="checkbox"/> Charge the indicated fees to the below mentioned deposit account. <input checked="" type="checkbox"/> Charge any additional fee required under 37 CFR 1.18 - 1.21 or credit any over payments to the below mentioned deposit account. <sup>†</sup> <input checked="" type="checkbox"/> Applicant claims small entity status See 37 CFR 1.27  Deposit Account Number: 18-2555 Deposit Account Name: FENWICK & WEST LLP A Duplicate Copy of this authorization is attached  <b>2. <input type="checkbox"/> Payment Enclosed:</b> <input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Other				<b>3. ADDITIONAL FEES</b> <table border="1"> <thead> <tr> <th>Large Entity Fee Code/Fee</th> <th>Small Entity Fee Code/Fee</th> <th>Fee Description</th> <th>Fee Due</th> </tr> </thead> <tbody> <tr><td>105/\$130</td><td>205/\$65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127/\$50</td><td>227/\$25</td><td>Surcharge-late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>147/\$2,520</td><td>147/\$2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>115/\$110</td><td>215/\$55</td><td>Extension for response within first month<sup>†</sup></td><td></td></tr> <tr><td>116/\$400</td><td>216/\$200</td><td>Extension for response within second month<sup>†</sup></td><td></td></tr> <tr><td>117/\$920</td><td>217/\$460</td><td>Extension for response within third month<sup>†</sup></td><td></td></tr> <tr><td>118/\$1,440</td><td>218/\$720</td><td>Extension for response within fourth month<sup>†</sup></td><td></td></tr> <tr><td>128/\$1,960</td><td>228/\$980</td><td>Extension for response within fifth month<sup>†</sup></td><td></td></tr> <tr><td>119/\$320</td><td>219/\$160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>141/\$1,280</td><td>241/\$640</td><td>Petition to revive unintentionally abandoned application</td><td></td></tr> <tr><td>142/\$1,280</td><td>242/\$640</td><td>Utility Issue Fee (Or Reissue)</td><td></td></tr> <tr><td>143/\$460</td><td>243/\$230</td><td>Design Issue Fee</td><td></td></tr> <tr><td>122/\$130</td><td>122/\$130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>126/\$180</td><td>126/\$180</td><td>Submission of Information Disclosure Statement</td><td></td></tr> <tr><td>179/\$740</td><td>279/\$370</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>581/\$40</td><td>581/\$40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146/\$740</td><td>246/\$370</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>149/\$740</td><td>249/\$370</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr><td colspan="2">Other fee (specify):</td><td></td><td></td></tr> <tr><td colspan="2">Other fee (specify):</td><td></td><td></td></tr> <tr> <td colspan="2"></td> <td><b>SUBTOTAL (3)</b></td> <td><b>(\$ 0)</b></td> </tr> </tbody> </table>				Large Entity Fee Code/Fee	Small Entity Fee Code/Fee	Fee Description	Fee Due	105/\$130	205/\$65	Surcharge - late filing fee or oath		127/\$50	227/\$25	Surcharge-late provisional filing fee or cover sheet		147/\$2,520	147/\$2,520	For filing a request for reexamination		115/\$110	215/\$55	Extension for response within first month <sup>†</sup>		116/\$400	216/\$200	Extension for response within second month <sup>†</sup>		117/\$920	217/\$460	Extension for response within third month <sup>†</sup>		118/\$1,440	218/\$720	Extension for response within fourth month <sup>†</sup>		128/\$1,960	228/\$980	Extension for response within fifth month <sup>†</sup>		119/\$320	219/\$160	Notice of Appeal		141/\$1,280	241/\$640	Petition to revive unintentionally abandoned application		142/\$1,280	242/\$640	Utility Issue Fee (Or Reissue)		143/\$460	243/\$230	Design Issue Fee		122/\$130	122/\$130	Petitions to the Commissioner		126/\$180	126/\$180	Submission of Information Disclosure Statement		179/\$740	279/\$370	Request for Continued Examination (RCE)		581/\$40	581/\$40	Recording each patent assignment per property (times number of properties)		146/\$740	246/\$370	Filing a submission after final rejection (37 CFR 1.129(a))		149/\$740	249/\$370	For each additional invention to be examined (37 CFR 1.129(b))		Other fee (specify):				Other fee (specify):						<b>SUBTOTAL (3)</b>	<b>(\$ 0)</b>
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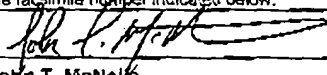
<b>SUBMITTED BY</b>		<b>Complete (if applicable)</b>	
Typed or Printed Name	Lawrence E. Carter	Reg. Number	P-51,532
Signature	<i>Lawrence E. Carter</i>	Date	10/29/2002

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICEPATENT  
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SEP 11 2003

APPLICANT(S): Steven W. Meeks et al.  
APPLICATION NO.: 09/347,622  
FILING DATE: July 2, 1999  
TITLE: System for Simultaneously Measuring Thin Film Layers Thickness,  
Reflectivity, Roughness, Surface Profile and Magnetic Pattern  
EXAMINER: T. Nguyen  
GROUP ART UNIT: 2877  
ATTY. DKT. NO.: 20830-04304

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Signature:			
Typed or Printed Name:	John T. McNelis	Dated:	10 Sept 2003
Facsimile Number:	1 (703) 872-9318		

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

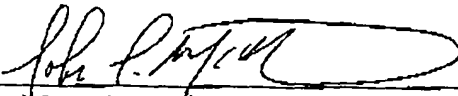
## RESUBMISSION OF OFFICE ACTION RESPONSE

SIR:

Based upon my conversation with Examiner Nguyen on September 9, 2003, it appears that the Office Action Response we filed in connection with the above-referenced application on October 29, 2002 was not received by the USPTO. Enclosed please find a copy of the Office Action Response as filed. Also enclosed is a copy of the Return Receipt Postcard stamped by the USPTO on November 4, 2002 as proof of mailing.

Respectfully submitted,  
Steven W. Meeks et al.

Dated: 9 Sept. 2003

By:   
John T. McNelis  
Registration No. 37,186  
Fenwick & West LLP  
Silicon Valley Center  
801 California Street  
Mountain View, CA 94041  
Tel.: (650) 335-7133  
Fax.: (650) 938-5200

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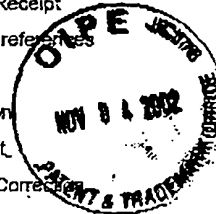
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Dated:

10/29/2002

By:

Lawrence E. Carter

Lawrence E. Carter, Reg. No.: P-51,532

COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

RESPONSE AND AMENDMENT "C"  
UNDER 37 CFR §1.111

Sir:

In response to the Office Action dated July 29, 2002, Applicants submit the following  
Amendment and Remarks.